REMARKS

Claims 2-6 and 8-25 pending in the present application. The Examiner acknowledges Applicant's response of August 9, 2006, and entry thereof. Claims 2-6 and 33-35 stand rejected, while claims 8-32 are withdrawn. Applicant respectfully requests consideration and allowance of the claims in light of the following remarks.

Claim Rejections Under 35 U.S.C. § 103

Claims 2-6 and 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiyama et al. (U.S. Patent Application No. 2002/0140888, hereinafter "Nishiyama") in view of Jones et al. (U.S. Patent No. 6,124,907, hereinafter "Jones") and further in view of Gunning, III et al. (U.S. Patent No. 5,638,197, hereinafter "Gunning") for the reasons stated on pages 3-6 of the Office action. Applicants respectfully traverse for at least the reasons stated below.

Although the Examiner alleges that the combination of Nishiyama et al., Jones et al. and Gunning, III et al., read as broadly as permissible, reads on claims 2-6 and 33-35 it is respectfully submitted that independent claims 5 and 6 clearly define structure which is not taught or suggested in either of the references of record, either alone or in combination.

The Examiner states that Nishiyama does not teach or suggest a retardation layer having a function of a biaxial film interposed between the first and second transparent substrates and compensating phase difference of light that passes through the liquid crystal layer wherein the retardation layer is disposed directly on the color filter layer, as in claim 5. Further, the Examiner states that Nishiyama does not teach or suggest a retardation layer having a function of a biaxial film interposed between the first and second transparent substrates and compensating phase difference of light that passes through the liquid crystal layer and wherein the retardation layer is disposed directly on the protection layer, as in claim 6.

The Examiner alleges on pages 3 and 5 of the Office action that Jones discloses in Column 9, lines 62 and FIG. 1 a liquid crystal display apparatus comprising a retardation

layer (element 17) having a function of a biaxial film interposed between the first and second transparent substrate.

It is respectfully noted that Jones discloses a **polarizer** (17) intermediate an alignment layer (13) and a pixel electrode (15), while Gunning, III et al. disclose an O-plate intermediate a polarizer layer (300) and an analyzer layer (305) in claim 7 and FIG. 3. In particular, FIG. 3 of Gunning, III et al. disclose a compensator layer intermediate the polarizer (300) and glass plate (340) and intermediate the analyzer (305) and another glass plate (345). Neither Jones et al., nor Gunning et al. teach or suggest, either alone or in combination, a retardation layer compensating **phase** difference of light that passes through the liquid crystal layer.

It is respectfully submitted that a "polarizer" is not a "retardation layer" as claimed in amended claims 5 and 6. Those skilled in the art recognize that a "polarizer" is an optical component that is used to convert randomly polarized (unpolarized) light into a polarized one. Here, only light that is polarized in one specific orientation is transmitted by the polarizing component (e.g., polarizer) and light polarized in the opposite (perpendicular) sense is absorbed. In other words, a polarizer allows only the passage of light waves that are vibrating in a particular plane. A polarizer does not compensate **phase** difference of light. Whereas the retardation film of the present invention applies different phases to the ordinary light and the extraordinary light. (Page 1, lines 23 and 24 of the specification as originally filed).

Neither Nishiyama et al., Jones et al. nor Gunning, III et al., either alone or in combination, disclose a **retardation layer** having a function of a biaxial film interposed between the first and second transparent substrates and **compensating *phase* difference of light that passes through the liquid crystal layer** and wherein the retardation layer is disposed directly on the color filter layer, as recited in claim 5, nor a **retardation layer** having a function of a biaxial film interposed between the first and second transparent substrates and **compensating *phase* difference of light that passes through the liquid crystal layer** wherein the retardation layer is disposed directly on the protection layer, as in recited claim 6.

Thus, it is respectfully submitted that independent claims 5 and 6, including claims depending therefrom, i.e., claims 2-4 and 33-35, respectively, are patentable over Nishiyama et al. in view of Jones et al. and in further view of Gunning, III et al.

Accordingly, it is respectfully requested that the rejection to claims 1-7 under § 103(a) be withdrawn.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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